

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

ANTOINE MOODY,

Plaintiff,

vs.

CITY OF ALBANY, ET. AL.,

Defendants.

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1:03-CV-75 (WLS)

ORDER

Presently pending before the Court are Plaintiff's two motions for reconsideration of this Court's order granting-in-part and denying-in-part Defendants' motions for summary judgment. (Tabs 94, 81). Defendants Bruce and Folmar oppose the motions on various grounds, including that the motions are untimely. Defendants further argue that the motions fail to show that there has been a change in the law, new evidence or the need to correct clear error or to prevent manifest injustice.

The Court has carefully considered the matter and finds that the previous order on the motions for summary judgment may contains errors of fact and law. Through a combination of factors, including errors on the Court's part and less than clear presentation of the issues by the parties, the order did not sufficiently address the contentions of the parties and left the record unclear as to which claims survived the motion for summary judgment. Accordingly, the portions of the order pertaining to Defendants Scott, Mullen, Messer, Bruce and Folmar is **VACATED**. (Tab 55). All other aspects of said order remain in effect.

Further, Plaintiff is **ORDERED** to file **no later Friday, January 27, 2006**, a short plain statement of the claims that Plaintiff has asserted against these Defendants and which Plaintiff contends remain in view of the above vacation. Plaintiff shall make this statement as clear and concise as possible because Plaintiff will be bound by this statement notwithstanding any prior pleading or oral statements. The individual Defendants may then renew their motions

for summary judgment and shall rely upon Plaintiff's statement as to which claims are available to be addressed in said motions. Any claim not specifically addressed in said motions will not be considered by the Court in addressing said motions. Defendants are **ORDERED** to file said motions **no later than Friday, February 10, 2006**. Plaintiff shall file his response to said motions **no later than Friday, March 3, 2006**. Defendants may file reply briefs **no later than Tuesday, March 14, 2006**. The Clerk is not authorized to grant any extensions to this schedule. The Court will not grant any further extensions of the briefing schedule except, upon a timely written motion, to prevent manifest injustice or an unavoidable and unforeseen event by the parties.

SO ORDERED, this 20th day of January, 2006.

/s/W. Louis Sands
W. Louis Sands, Chief Judge
United States District Court